

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BARRON PARTNERS, LP,

Plaintiff,

-against-

LAB123, INC., HENRY A. WARNER, FRED
FITZSIMMONS, KENT B. CONNALLY, KURT
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,
DAVID FLEISNER, BIOSAFE LABORATORIES,
INC., and BIOSAFE MEDICAL TECHNOLOGIES, INC.,

Defendants.
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Index No.
07 CV 11135 (JSR)

**STIPULATION
AND ORDER**

ECF CASE

WHEREAS, the parties in the above-captioned action advised the Court on January 22, 2009, that they have reached a settlement in principle;

WHEREAS, the Court has ordered the parties to complete all discovery by January 31, 2009 and submit all motions for summary judgment on or before February 18, 2009; all responses by March 6, 2009, and all replies by March 13, 2009;

WHEREAS; the parties believe that it is in their interest to devote their time to drafting and executing of a settlement agreement but would like to preserve their rights to continue discovery for ten (10) days and submit dispositive motions in accordance with the prior scheduling order in the unlikely event that the settlement is not consummated;

The parties HEREBY STIPULATE AND AGREE as follows:

1. The parties have agreed to a full and final settlement in principle of this matter.
2. The settlement will be completed no later than Monday, February 23, 2009.
3. If, on or before Monday, February 23, 2009, the parties advise the Court that the there will be no settlement of this matter, then the Court will issue an order amending the


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discovery and briefing schedule so that the parties have 10 days to complete discovery and 18 days from the end of the discovery period to submit dispositive motions and the same amount time to file any responses or reply briefs as they had under the terms of the scheduling order.


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Dated: January , 2009

Dated: January 23, 2009

SO ORDERED:


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 23, 2009

ND: 4846-4306-7393, v. 1